

1 S.17

2 An act relating to sheriff reforms

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. FINDINGS

5 The General Assembly finds that:

6 (1) Sheriffs provide essential public safety services to the State,
7 counties, and communities of Vermont.

8 (2) Incidents of criminal and unprofessional behavior by elected sheriffs
9 and sheriff's deputies have shaken the public's trust in the office of sheriff.

10 (3) The office of sheriff requires reform to provide more consistent
11 structure, financial practices, accountability, and increased transparency.

12 (4) While criminal charges or misconduct may lead to sanctions on
13 Vermont sheriffs, including decertification by the Vermont Criminal Justice
14 Council, removal from office can only be achieved through expiration of term,
15 resignation, or impeachment by the General Assembly.

16 * * * Audits * * *

17 Sec. 2. 24 V.S.A. § 290 is amended to read:

18 § 290. COUNTY SHERIFF'S DEPARTMENT

19 * * *

20 (d)(1) Upon the election of a sheriff-elect who is not the incumbent sheriff,
21 ~~or upon notice of the resignation of the sheriff,~~ an announcement that the
22 incumbent sheriff will not seek reelection, or an announcement that the

1 incumbent sheriff intends to resign, whichever occurs earliest, all financial
2 disbursements from the accounts of the department, including the transfer of
3 real or personal property, or other assets, of the department, shall be co-signed
4 by the sheriff and ~~the~~ at least one assistant judges judge in that county, and the
5 sheriff shall, within two weeks, provide the Department of State's Attorneys
6 and Sheriffs, the Auditor of Accounts, and the assistant judges of that county
7 with a written list of all transfers of departmental assets and financial
8 disbursements to a single source, in aggregate, greater than \$10,000.00
9 anticipated to occur before the sheriff leaves office. Assistant judges shall
10 consult with the Director of Sheriffs' Operations when considering whether to
11 co-sign any transfers of departmental assets or financial disbursements to a
12 single source, in aggregate, greater than \$10,000.00. The assistant judges shall
13 not unreasonably refuse to co-sign any disbursements or transfer of sheriff's
14 department assets.

15 (2) A report of all financial disbursements ~~or~~ and transfers made
16 pursuant to this subsection shall be forwarded by the assistant judges to the
17 Auditor of Accounts within 15 days ~~of completion of the out-going sheriff's~~
18 ~~duties~~ following the sheriff leaving office.

19 Sec. 3. 24 V.S.A. § 290b is amended to read:

20 § 290b. AUDITS

21 * * *

1 (b) The Auditor of Accounts shall adopt and sheriffs shall comply with a
2 uniform system of accounts, controls, and procedures for the sheriff's
3 department, which accurately reflects the receipt and disbursement of all funds
4 by the department, the sheriff, and all employees of the department. The
5 uniform system shall include:

6 * * *

7 (8) procedures and controls ~~which~~ that identify revenues received from
8 public entities through appropriations or grants from the federal, State, or local
9 governments from revenues received through contracts with private entities;
10 ~~and~~

11 (9) procedures to notify the Auditor of Accounts and the Department of
12 State's Attorneys and Sheriffs of the establishment and activities of any
13 nonpublic organization of which the sheriff or any employee of the sheriff is a
14 director or participant and that has a mission or purpose of supplementing the
15 efforts of the sheriff's department; and

16 (10) other procedures and requirements as the Auditor of Accounts
17 deems necessary.

18 (c) The Auditor of Accounts and ~~his or her~~ the Auditor's designee may at
19 any time examine the records, accounts, books, papers, contracts, reports, and
20 other materials of the county sheriff departments as they pertain to the
21 financial transactions, obligations, assets, and receipts of that department. The

1 Auditor ~~or his or her designee shall conduct an audit of the accounts for a~~
2 ~~sheriff's department whenever the incumbent sheriff leaves office, and the~~
3 auditor shall charge for the any associated costs of the report pursuant to in the
4 same manner described in 32 V.S.A. § 168(b).

5 * * *

6 * * * Conflict of Interest * * *

7 Sec. 4. 24 V.S.A. § 314 is added to read:

8 § 314. CONFLICT OF INTEREST; APPEARANCE OF CONFLICT OF
9 INTEREST

10 (a) Sheriffs and deputy sheriffs are considered public servants for the
11 purposes of 3 V.S.A. § 1202(1). A conflict of interest may also exist when a
12 member of a sheriff's or deputy sheriff's immediate family or household, or
13 the sheriff's or deputy sheriff's business associate, or an organization with
14 which the sheriff or deputy sheriff is affiliated, interferes with the proper
15 discharge of a lawful duty. A conflict of interest does not include any interest
16 that is not greater than that of other individuals generally affected by the
17 outcome of the matter.

18 (b) A sheriff or deputy sheriff shall avoid any conflict of interest or the
19 appearance of a conflict of interest. When confronted with a conflict of
20 interest or an appearance of a conflict of interest, a sheriff or deputy sheriff

1 shall disclose the conflict of interest to the Sheriff's Executive Committee,
2 recuse themselves from the matter, and not take further action on the matter.

3 (c) The Department of State's Attorneys and Sheriffs shall establish
4 procedures for forwarding ethics complaints from any source to the State
5 Ethics Commission based on the procedures set forth in 3 V.S.A. § 1223.

6 (d) Nothing in this section shall require a sheriff or deputy sheriff to
7 disclose confidential information or information that is otherwise privileged
8 under law. "Confidential information," as used in this subsection, means
9 information that is exempt from public inspection and copying under 1 V.S.A.
10 § 315 et seq. or is otherwise designated by law as confidential.

11 Sec. 4a. 24 V.S.A. § 315 is added to read:

12 § 315. SHERIFFS; ANNUAL DISCLOSURE

13 (a) Annually, each sheriff shall file with the State Ethics Commission a
14 disclosure form that contains the following information in regard to the
15 previous 12 months:

16 (1) Each source, but not amount, of personal income of the sheriff and
17 of the sheriff's spouse or domestic partner, and of the sheriff together with the
18 sheriff's spouse or domestic partner, that totals more than \$5,000.00, including
19 any of the sources meeting that total described as follows:

1 (A) employment, including the employer or business name and
2 address and, if self-employed, a description of the nature of the self-
3 employment without needing to disclose any individual clients; and

4 (B) investments, described generally as “investment income.”

5 (2) Any board, commission, or other entity that is regulated by law or
6 that receives funding from the State on which the sheriff served and the
7 sheriff’s position on that entity.

8 (3) Any company of which the sheriff or the sheriff’s spouse or
9 domestic partner, or the sheriff together with the sheriff’s spouse or domestic
10 partner, owned more than 10 percent.

11 (4) Any lease or contract with the State held or entered into by:

12 (A) the sheriff or the sheriff’s spouse or domestic partner; or

13 (B) a company of which the sheriff or the sheriff’s spouse or
14 domestic partner, or the sheriff together with the sheriff’s spouse or domestic
15 partner, owned more than 10 percent.

16 (b) In addition, if a sheriff’s spouse or domestic partner is a lobbyist, the
17 sheriff shall disclose that fact and provide the name of the sheriff’s spouse or
18 domestic partner and, if applicable, the name of that individual’s lobbying
19 firm.

1 (c)(1) Disclosure forms shall contain the statement, “I certify that the
2 information provided on all pages of this disclosure form is true to the best of
3 my knowledge, information, and belief.”

4 (2) Each sheriff shall sign the disclosure form in order to certify it in
5 accordance with this subsection.

6 (d)(1) A sheriff shall file the disclosure form on or before January 15 of
7 each year or, if the sheriff is appointed after January 15, within 10 days after
8 that appointment.

9 (2) A sheriff who filed this disclosure form as a candidate in accordance
10 with 17 V.S.A. § 2414 in the preceding year and whose disclosure information
11 has not changed since that filing may update that filing to indicate that there
12 has been no change.

13 * * * Sheriff’s Department Compensation and Benefits * * *

14 Sec. 5. 24 V.S.A. § 291a is amended to read:

15 § 291a. CONTRACTS

16 * * *

17 (b) A contract made with a town, city, village, or county to provide law
18 enforcement or related services shall contain provisions governing the
19 following subjects as best suit the needs of the parties:

20 * * *

* * *

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1 Attorneys and Sheriffs. Willful failure to comply with this policy shall
2 constitute Category B conduct pursuant to 20 V.S.A. § 2401(2).

3 * * *

4 (f) An agreement or contract for sheriff's departments to provide law
5 enforcement or security services to county and State courthouses shall be
6 subject to a single, statewide contracted rate of pay for such services over all
7 county and State courthouses.

8 Sec. 5a. SHERIFF'S DEPARTMENTS COMPENSATION AND BENEFITS

9 MODEL POLICY

10 (a) On or before January 1, 2024, the Department of State's Attorneys and
11 Sheriffs, after receiving input from the sheriffs and the Auditor of Accounts,
12 shall develop the Sheriff's Departments Compensation and Benefits Model
13 Policy and submit it for review and approval to the Department of Human
14 Resources and the Vermont Criminal Justice Council. The Department of
15 Human Resources and the Vermont Criminal Justice Council together may, in
16 consultation with the Department of State's Attorneys and Sheriffs,
17 subsequently alter and update the Model Policy.

18 (b) The Sheriff's Departments Compensation and Benefits Model Policy
19 shall address the structure and use of funds for compensation, bonuses, salary
20 supplements, retirement contributions, and employment benefits for sheriffs,
21 sheriff's deputies, and other departmental employees.

(d) Notwithstanding 24 V.S.A. § 291a(c), prior to a sheriff's department adopting the Sheriff's Departments Compensation and Benefits Model Policy, a sheriff's department may use funds derived from contract administrative overhead fees to make supplemental salary payments to a sheriff of not more than 50 percent of the annual compensation for a sheriff, provided that the sheriff has been in office at least two years, and to any employee of a sheriff's department or a sheriff that has been in office less than two years of not more than 10 percent of the annual compensation for the employee. Funds derived from contract administrative overhead fees shall not be used for any other bonus or supplemental employment benefit payment.

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* * *

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1 (2) The Director of Sheriffs' Operations shall provide centralized
2 support services for the sheriffs with respect to budgetary planning, policy
3 development and compliance, training, and office management, and perform
4 such other duties as directed by the Executive Director.

5 (3) The Director of Sheriffs' Operations shall develop, maintain, and
6 provide to each sheriff's department model policies on operational topics,
7 including service of civil process, relief from abuse orders, transportation of
8 prisoners, ethics, and sheriffs' responsibilities.

9 Sec. 5c. DEPARTMENT OF STATE'S ATTORNEYS AND SHERIFFS;

10 POSITION

11 The following position is created in the Department of State's Attorneys
12 and Sheriffs: one full-time, exempt Director of Sheriffs' Operations.

13 Sec. 5d. 24 V.S.A. § 290(b) is amended to read:

14 (b) Full-time State deputy sheriffs whose primary responsibility is
15 transportation of prisoners ~~and~~, persons with a mental condition or psychiatric
16 disability, or juveniles being transported to court or to a court-ordered facility
17 shall be paid by the State of Vermont. The positions and their funding shall be
18 assigned to the Department of State's Attorneys and Sheriffs. The Executive
19 Director shall have the authority to determine job duties for the position,
20 assignment of positions to county, regular and temporary work locations,
21 assistance to other State agencies and departments, timesheet systems, daily

1 work logs, and to have final approval of personnel matters, including, but not
2 limited to, approval for hiring, paygrade assignment, hiring rate, discipline, and
3 termination. The sheriffs shall have an Executive Committee of not more than
4 five current sheriffs, elected for a two-year term by a vote of the sheriffs held
5 not later than January 15, for a term starting February 1. The Executive
6 Committee shall have a Chair, Vice-Chair, Secretary-Treasurer, and two
7 members at large. The Executive Committee shall meet at least quarterly to
8 provide input to the Department of State's Attorneys and sheriffs regarding
9 budget, legislation, personnel and policies, and the assignment of positions,
10 when vacancies arise, for efficient use of resources.

11 * * * Sheriff Duties * * *

12 Sec. 6. 24 V.S.A. § 293 is amended to read:

13 § 293. DUTIES

14 (a) A sheriff so commissioned and sworn shall serve and execute lawful
15 writs, warrants, and processes directed to ~~him or her~~ the sheriff, according to
16 the precept thereof, and do all other things pertaining to the office of sheriff.

17 (b) A sheriff shall maintain a record of the sheriff's work schedule,
18 including work days, leave taken, and any remote work performed outside the
19 sheriff's district for a period of more than three days.

20 (c) If an individual who has a relief from abuse order pursuant to 15 V.S.A.
21 § 1103 requires assistance in the retrieval of personal belongings from the

1 individual's residence and that individual requests assistance from a sheriff's
2 department providing law enforcement services in the county in which that
3 individual resides, the sheriff's department shall provide the assistance.

4 Sec. 6a. 20 V.S.A. chapter 209 is added to read:

5 CHAPTER 209. GENERAL LAW ENFORCEMENT SERVICES

6 § 4661. PROHIBITION; STANDBY FEES

7 No law enforcement officer or law enforcement agency shall seek a fee
8 from the individual seeking assistance or being assisted in the retrieval of
9 personal belongings or the personal belongings of the individual's dependents
10 from the individual's residence, pursuant to 24 V.S.A. § 293(c), or any
11 representative of that individual.

12 Sec. 6b. SHERIFF'S DEPARTMENTS' PROVISION OF STANDBY

13 SERVICES FOR DOMESTIC VIOLENCE SURVIVORS; REPORT

14 On or before January 15, 2024, the Department of State's Attorneys and
15 Sheriffs, in consultation with the State sheriffs and the Vermont Network
16 Against Domestic and Sexual Violence, shall report to the House Committee
17 on Government Operations and Military Affairs and the Senate Committee on
18 Government Operations data, as available through December 1, 2023,
19 regarding sheriff's departments' assistance in the retrieval of personal
20 belongings of domestic violence survivors pursuant to 24 V.S.A. § 293(c),
21 including the aggregate number of episodes of assistance provided, the time

1 spent, and the costs accumulated by sheriff's departments for providing this
2 assistance.

3 Sec. 6c. 24 V.S.A. § 293(d) is added to read:

4 (d) A sheriff shall provide law enforcement and security services for each
5 county and State courthouse within the sheriff's county of jurisdiction in
6 accordance with section 291a of this title.

7 Sec. 7. SHERIFF'S DEPUTY PROVISION OF COURTHOUSE
8 SECURITY; REPORT

9 On or before December 1, 2023, the Judiciary, in consultation with the
10 Department of State's Attorneys and Sheriffs, the Vermont Sheriffs'
11 Association, Vermont State Employees' Association, and other relevant
12 stakeholders, shall report to the House Committee on Government Operations
13 and Military Affairs and the Senate Committee on Government Operations on
14 the number of sheriff's deputies needed to be made available to provide law
15 enforcement and security services to county and State courthouses to facilitate
16 regular courthouse operations. The report shall also include recommendations
17 regarding any needed creation of classified positions responsible for
18 courthouse security services, similar to the classified position of transport
19 deputy, and any corresponding budget request for these positions.

1 Sec. 8. 24 V.S.A. § 299 is amended to read:

2 § 299. DUTIES AS PEACE OFFICER

3 A sheriff shall preserve the peace, ~~and suppress, with force and strong hand,~~
4 ~~if necessary, unlawful disorder~~ using force only as permitted pursuant to
5 20 V.S.A. chapter 151. ~~He or she~~ A sheriff may apprehend, without warrant,
6 ~~persons~~ individuals assembled in disturbance of the peace; and bring them
7 before ~~a~~ the Criminal Division of the Superior Court, which shall proceed with
8 such ~~person~~ individuals as with ~~persons~~ individuals brought before it by
9 process issued by ~~such~~ the court.

10 * * * Repeal of Penalty for Refusal to Assist a Sheriff * * *

11 Sec. 9. REPEAL OF PENALTY FOR REFUSAL TO ASSIST A SHERIFF

12 24 V.S.A. § 301 (penalty for refusal to assist) is repealed.

13 * * * Sheriff's Departments Reform Report * * *

14 Sec. 10. SHERIFF'S DEPARTMENTS REFORM; REPORT

15 On or before November 15, 2023, the Department of State's Attorneys and
16 Sheriffs and the Vermont Criminal Justice Council, in consultation with the
17 Auditor of Accounts, the Department of Human Resources, the Vermont
18 Association of County Judges, the Chief Superior Court Judge, the Vermont
19 Sheriffs' Association, and organizations focused on law enforcement reform,
20 shall report to the House Committee on Government Operations and Military

1 Affairs and the Senate Committee on Government Operations on the
2 following:

3 (1) recommended policies and best practices to be included in standard
4 operating procedures, manuals and policy manuals;

5 (2) increasing efficiency and equity in the delivery of public safety services
6 by sheriff's departments;

7 (3) recommendations for the compensation structure and levels of sheriffs,
8 deputies, and departmental staff, including salaries, overtime, retirement, and
9 benefits;

10 (4) the duties of sheriffs, including law enforcement and administration of
11 sheriff's departments;

12 (5) recommended membership and duties of an advisory commission for
13 sheriffs comparable to, or combined with, the Vermont State Police Advisory
14 Commission, as related to both conduct and administration of sheriff's
15 departments;

16 (6) the creation of a sustainable funding model for sheriff's departments,
17 including the consolidation or reorganization of sheriff's departments;

18 (7) recommendations for the Department of State's Attorneys and Sheriffs
19 to better provide oversight and support for State's Attorneys and sheriffs; and

20 (8) recommendations for the scope and timing of public sector management
21 training that sheriffs should receive upon election and on a continuing basis to

1 ensure departmental operations and management of public funds are consistent
2 with generally accepted standards.

3 * * * Effective Dates * * *

4 Sec. 11. EFFECTIVE DATES

5 This act shall take effect on passage, except that Secs. 5 (amending
6 24 V.S.A. § 29a) and 6c (adding 24 V.S.A. § 293(d)) shall take effect on
7 January 1, 2024.